

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEBORAH FEINGOLD D/B/A
DEBORAH FEINGOLD PHOTOGRAPHY

Plaintiff,

-against-

**Case No.: 1:18-cv-2055
(KMW)(GWG)**

**DECLARATION OF
ROBERT GARSON**

RAGEON, INC., JOHN DOES 1-4,

Defendants.
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I, Robert Garson, hereby declare under penalty of perjury:

1. I am a member of the Bar of this Court and am a partner at the firm, Garson, Segal, Steinmetz, Fladgate LLP, attorneys for Plaintiff, Deborah Feingold d/b/a Deborah Feingold Photography in the above-titled action, and I make this declaration based on my personal knowledge.
2. I make this declaration in support of Plaintiff's Supplemental Request for Damages, Attorneys' Fees, and Costs ("Supplemental Request").

Defendant's behavior

3. On or about April 12, 2018, my partner, Chris Fladgate, contacted me about an email he had received from Defendant's CEO, Mr. Krilivsky.
4. Specifically, the email contained a photograph of Mr. Fladgate's young daughter and referred to "increasing Mr. Fladgate's debt" or similar.

5. Prior to moving to New York, I practiced for more than 10 years as a criminal barrister, where I both defended and prosecuted criminal matters in various English trial and appellate courts.
6. I took the email sent to Mr. Fladgate to be a threat directed at Mr. Fladgate, his family, and to Ms. Feingold.
7. I suggested that Mr. Fladgate bring this email to the attention of both the Court and the police.

Defendant's California counsel

8. On Friday, September 4, 2020, I received a telephone call from Arash Beral, who informed me that he was RageOn's counsel in a matter captioned *Atari Interactive, Inc. v. Defendant, Inc.* case No. 2:19-cv-10806 (C.D. Cal, Dec. 20, 2019) which is pending before the Central District of California.
9. Mr. Beral was contacting me in my capacity as plaintiff's counsel in a matter in this district captioned *Ward v. RageOn, Inc., et al*, Case No. 1:19-cv-1935 (S.D.N.Y. Feb. 28, 2019).
10. By complete coincidence, both Mr. Fladgate and I represent separate clients who allege that their copyright was infringed by RageOn.
11. In any event, in *Ward* my client was able to secure an award of statutory damages for willful infringement of its copyright plus attorneys' fees, and costs from Judge Oetken.
12. During my call with Mr. Beral, he made multiple references to this matter.
13. On each occasion, I informed Mr. Beral that he should communicate directly with Mr. Fladgate if he wishes to discuss this matter with him.

Dated: Bay Harbor Islands, Florida
September 7, 2020

Respectfully submitted,

Garson, Segal, Steinmetz, Fladgate LLP

By: _____



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